

HOUSE BILL NO. 472

INTRODUCED BY D. BARRETT

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING STATE AND LOCAL HIGHWAY MAINTENANCE OBLIGATIONS; REQUIRING MAINTENANCE AGREEMENTS WITH LOCAL GOVERNMENTS TO INCLUDE SIDEWALKS; REQUIRING THAT A MAINTENANCE AGREEMENT CONTAIN CERTAIN PROVISIONS; REQUIRING THE DEPARTMENT OF TRANSPORTATION TO PAY THE MAINTENANCE COSTS FOR SIDEWALKS LOCATED ADJACENT TO CERTAIN HIGHWAYS; AMENDING SECTIONS 60-2-204 AND 60-2-210, MCA; AND PROVIDING AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 60-2-204, MCA, is amended to read:

"60-2-204. Maintenance agreements with local governments. (1) Except as provided in 60-2-203, the department may enter into an agreement with a local governing body to maintain portions of public highways and sidewalks within its boundaries upon terms and conditions as may be agreed upon. However, in the case of highways in the state maintenance system as referred to in 60-2-128 and 60-2-203:

(1)(a) the department shall bear the entire cost of maintenance, operation, and construction work performed by the local governing body pursuant to these agreements; ~~and~~

(2)(b) the department is responsible for the entire cost of placement and maintenance of all traffic control devices involved in these agreements required by 61-8-203;

(c) the department shall ensure that these agreements include:

(i) a reimbursement schedule for money owed to the local governing body for work performed pursuant to subsection (1)(a);

(ii) a termination date for the agreement that is no more than 10 years after the date the agreement will commence; and

(iii) language that clearly establishes the scope of the maintenance, operation, and construction work to be performed by the local governing body under an agreement.

(2) This section may not be construed to create a right of indemnification by the department against a local governing body."

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2 **Section 2.** Section 60-2-210, MCA, is amended to read:

3 **"60-2-210. Payment of construction and maintenance costs within municipalities.** The department,

4 either solely or in conjunction with a city, county, or consolidated local government, shall pay:

5 (1) the costs of construction of streets, curbs, gutters, and sidewalks and maintenance of streets;

6 highways, curbs, and gutters that are:

7 (1)(a) state highway routes; and

8 (2)(b) located within incorporated municipalities; and

9 (2) the costs of construction and maintenance of curbs, gutters, and sidewalks located adjacent to the

10 streets referred to in subsection (1)."

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12 NEW SECTION. **Section 3. Applicability.** [This act] applies to agreements pursuant to 60-2-204 that

13 are entered into or renewed on or after [the effective date of this act].

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